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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
50325-0560

Pursuant to 37 CFR 1.8(a)(1)(ii) I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via the electronic filing system in accordance with 37 CFR §§1.6(1)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM PST.

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name _____

Application Number	Filed
09/981,182	October 16, 2001

First Named Inventor
John Schnizlein

Art Unit	Examiner
2131	Moorthy, Aravind K.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

X

The review is requested for the reason(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.

X

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 57,181 _____.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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Typed or printed name

408/414-1080
Telephone number

March 11, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below".

☒ *Total of 1_____ forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: John M. Schnizlein, et al.   Confirmation No.: 5410

Serial No.: 09/981,182   Examiner: Moorthy, Aravind K.

Filing Date: October 16, 2001   Group Art Unit: 2131

Title: METHOD AND APPARATUS FOR ASSIGNING NETWORK ADDRESSES
         BASED ON CONNECTION AUTHENTICATION

Via EFS-Web
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

     The Examiner made numerous clear factual errors with respect to the rejection of

Claim 1 under 35 U.S.C. § 102(b). Multiple features of Claim 1 are absent in the cited

reference: U.S. Patent No. 5,790,548 issued to Sistanizadeh et al. ("*Sistanizadeh*").

     Claim 1 recites:

        A method of assigning a network address to a host based on authentication for
a physical connection between the host and an intermediate device, the
method comprising the computer-implemented steps of:
receiving, at a router hosting an authenticator process for the host, from a first
    server that provides authentication and authorization, in response to a
    request for authentication for the physical connection, first data
    indicating at least some of authentication and authorization
    information;
receiving, at a DHCP relay agent process of the router, from the host, a
    DHCP discovery message for discovering a logical network address
    for the host;
**generating at the DHCP relay agent process a second message that
    comprises the DHCP discovery message and the first data; and
sending the second message from the DHCP relay agent process to a
    DHCP server that provides the logical network address for the
    host;
wherein generating the second message further comprises sending a third
    message, from the authenticator process to the relay agent process,**

that contains at least some of the authentication and authorization information based on the first data. (emphasis added)

The above-bolded features of Claim 1 are **absent** from *Sistanizadeh* and therefore an anticipation rejection is unsupported.

        1.   Sistanizadeh *fails to teach or suggest the recited DHCP relay agent*

The Final Office Action cites col. 9, line 61 to col. 10, line 14 of *Sistanizadeh* for disclosing the step of "receiving, at a DHCP relay agent process of the router, from the host, a DHCP discovery message for discovering a logical network address for the host," as recited in Claim 1. This is incorrect. That portion of *Sistanizadeh* merely states that a DHCP server receives an IP address request from a computer, authenticates the computer, and sends the computer an IP address. The only mention of a router comes <u>after</u> the DHCP server sends the IP address to the computer. The applicable portion of *Sistanizadeh* states: "The router receives a packet from a computer, routes the packet to the appropriate ISP based on its source IP address, i.e., the computer's IP address" (col. 10, lines 4-6). However, according to Claim 1, a router <u>receives</u> a DHCP discovery message.

In the Response to Arguments section of the Final Office Action and in the Advisory Action, the Examiner asserts that the Ethernet switch of *Sistanizadeh* (col. 13, lines 50-54) could be the recited DHCP relay agent merely because applicants' specification defines a DHCP relay agent as a process that executes on an intermediate device to forward DHCP messages between DHCP client and DHCP server (page2). However, Claim 1 recites features of the DHCP relay agent that are not found in the Ethernet switch of *Sistanizadeh*. For example, the DHCP relay agent is of the **same router** that hosts an authenticator process, whereas the Ethernet switch of *Sistanizadeh* does <u>not</u> host such an authenticator process. As

another example, the DHCP relay agent receives, from an authenticator process of the same router, a message that contains authentication and authorization (AA) information, whereas the Ethernet switch of *Sistanizadeh* does <u>not</u> receive such a message, much less a message from a process hosted by the same router. As yet another example, the DHCP relay agent **generates a message** (i.e., the recited second message) that comprises a DHCP discovery message <u>and</u> the recited first data, whereas the Ethernet switch of *Sistanizadeh* does <u>not</u> **generate** any message, much less a message that comprises a DHCP discovery message and AA information.

        2.   *Sistanizadeh* fails to teach or suggest the recited second message

The Final Office Action cites col. 12, line 31 to col. 13, line 56 of *Sistanizadeh* for disclosing the step of "generating at the DHCP relay agent process a second message that comprises the DHCP discovery message and the first data," as recited in Claim 1. This is incorrect. That cited portion of *Sistanizadeh* <u>fails to even mention routers</u>, much less anything resembling a DHCP relay agent process of a router. Therefore, *Sistanizadeh* must fail to teach or suggest that <u>a process on a router generates a message</u>, much less a message that <u>comprises a DHCP discovery message and AA information</u>, as recited in Claim 1. Fundamentally, *Sistanizadeh* only discloses a router that routes packets and deletes information from packets. None of the routers in *Sistanizadeh* **generate** messages that comprise information from <u>two different sources</u> (i.e., the recited first server and the recited host).

In the Response to Arguments section of the Final Office Action and in the Advisory Action, the Examiner quotes col. 16, lines 40-47 of *Sistanizadeh* for disclosing the recited second message of Claim 1. However, that cited portion merely states:

A Wide Area Network-Maintenance Administration Center (WAN-MAC) will monitor the Gateway Router, Ethernet Switch and have visibility of the ADSL equipment. As previously described with reference to the Access Architecture, ADSL Alarm information is collected via the M&P Device and transmitted to a concentrator in the SNMP format. The SNMP messages are translated into TL1 and transmitted via the Packet Data network to the TNM-OSS.

The Examiner then asserts, "The SNMP messages would have been the second message of claim 1" (page 3). However, no where does *Sistanizadeh* teach or suggest that an SNMP message comprises (1) a DHCP discovery message <u>and</u> (2) AA information, as Claim 1 requires of the recited second message. Instead, SNMP messages are used to control and monitor routers remotely from a network operations center (col. 8, lines 56-57). Further, "SNMP comprises simple and limited messages pertaining to communications between the client software running on a manager's computer and management agents. These messages allow read operations for monitoring systems, write operations for system control, and enable searching tables, as well as setting systems to report abnormal conditions" (col. 15, lines 10-16). Fundamentally, *Sistanizadeh* fails to teach or suggest a message that comprises **a DHCP discovery message <u>and</u> AA information**.

3.   *Sistanizadeh fails to teach or suggest the "hand off"*

In the Response to Arguments section of the Final Office Action and in the Advisory Action, the Examiner ignores the substantive argument that *Sistanizadeh* fails to teach or suggest the "hand off." Instead, the Examiner states that "it is noted that the features upon which applicant relies (i.e., 'hand off') are not recited in the rejected claim(s)" (page 3 of the Final Office Action). However, representatives of the Applicants are <u>not</u> alleging that Claim 1 recites the phrase "hand off." Rather, as clearly explained in previous responses, the phrase "hand off" <u>is merely a shorthand reference to a claim limitation that</u> *Sistanizadeh* lacks,

"wherein generating the second message further comprises sending a third message, from the authenticator process to the relay agent process, that contains at least some of the authentication and authorization information based on the first data," as recited in Claim 1.

Thus, according to Claim 1, one process, hosted by a router, sends a message to another process of the same router. That message contains AA information. One benefit of this approach is that the DHCP server is relieved from having to re-authenticate a user as a condition for assigning an address. **There is no similar communication disclosed in _Sistanizadeh_.**

Furthermore, similar to the recited second message, the Examiner has failed to assert that any element in the nearly one and a half columns cited in _Sistanizadeh_ (i.e., col. 12, line 31 to col. 13, line 56) is the same as the recited third message of Claim 1, i.e., a message, sent from one process hosted by a router to another process of the same router, that contains AA information.

Because numerous features of Claim 1 are plainly absent from _Sistanizadeh_, the rejection of Claim 1 under 35 U.S.C. § 102(b) in this case is improper and constitutes clear error.

CONCLUSION

Applicants request that the rejections of all the pending claims be withdrawn.